

Bylaws of the Kentucky Mental Health Planning and Advisory Council

ARTICLE I: PURPOSE

Section 1 - Name: The name of this unincorporated entity shall be the Kentucky Mental Health Planning and Advisory Council and is herein after referred to as the Council.

Section 2 - Authority: The Kentucky Mental Health Planning and Advisory Council was established pursuant to Administrative Order 89-43, dated September 12, 1989, and amended by Administrative Order 93-225, dated August 26, 1993. The Council was established to conform to Public Law 102:321 that requires formation of such a Council and specifies its composition.

Section 3 - Mission: The Council seeks to be an active voice for all Kentuckians affected by mental illness by forming a broad partnership of consumers, family members, providers, and state agencies that assures through a comprehensive plan that all individuals with mental illness have awareness of and access to effective, affordable services in their own communities which promote ongoing recovery.

Section 4 - Vision: The members of the Kentucky Mental Health Planning and Advisory Council believe that all children, adolescents, and adults in the Commonwealth have the right to excellent, recovery-oriented mental health services that are affordable and consumer driven, values their individuality, assists them to achieve their fullest potential, and enables them to live in their community.

ARTICLE II: DUTIES

Section 1 - Duties: The Council shall do all of the following:

- Report directly to the Commissioner of the Kentucky Department for Mental Health, Developmental Disabilities and Addiction Services (KDMHDDAS).
- Assist KDMHDDAS in designing a comprehensive, recovery-oriented system of care.
- Advise KDMHDDAS on the use of Mental Health Block Grant resources and on the quality of statewide, recovery-oriented mental health services.
- Review the annual Community Mental Health Services Block Grant Application and Implementation Report pursuant to Public Law 102-321, Section 1915 (a) and to submit recommendations to KDMHDDAS, prior to the September 1 and December 1 due dates, respectively.
- Advocate for adults with serious mental illnesses, children with severe emotional disabilities, individuals with co-occurring mental health and substance abuse disorders, and other individuals with mental illness or emotional issues.
- Monitor, review, and evaluate, no less than once a year, the allocation and quality of statewide, recovery-oriented mental health services.

ARTICLE III: MEMBERSHIP

Section 1 - Council Membership: Members shall be appointed in accordance with federal laws and regulation by Mental Health Order from the Commissioner of KDMHDDAS.

Section 2 - Anti-Discrimination: The Council shall not discriminate in any regard with respect to age, race, creed, color, sex, sexual orientation, marital status, religion, national origin, ancestry, pregnancy, parenthood, custody of a minor child, or physical or mental disability.

Section 3 - Membership Seats: Seats on the Council shall be allotted as follows:

- A. Eleven seats are allotted to state agency representatives. State agency representatives are designated by their respective agency heads by virtue of the positions they hold.
- B. Three seats are allotted to advocacy organizations, including: One for adult consumers; One for family members of adult consumers; and One for youth and family members of youth consumers. Advocacy organization representatives shall be the Board Chair or designee.
- C. One seat is allotted to a community mental health center provider representative. The community mental health center provider representative is the Executive Director or designee of the Kentucky Association of Regional Programs.
- D. Six seats are allotted to adult consumers of mental health services.
- E. Six seats are allotted to parents/guardians/foster parents of children with a severe emotional disability.
- F. Six seats are allotted to family members of an adult with severe mental illness.
- G. One seat is allotted to a young adult consumer of mental health services (age 18-25).

Section 4 - Terms of Membership: The terms of membership shall be as follows:

- A. State agency representatives do not have membership terms, nor is there a limit to their years of service.
- B. Representatives of mental health consumer and family advocacy organizations do not have membership terms, nor is there a limit to their years of service.
- C. The community mental health center provider representative does not have a membership term, nor is there a limit to his or her years of service.
- D. Adult consumers of mental health services, parents/guardians/foster parents of children with a severe emotional disability, family members of an adult with severe mental illness, and the young adult consumer of mental health services shall serve a term of membership of two years from his or her date of appointment. There is no limit to the number of terms these members may serve.

Section 5 - Qualifications: For the purposes of Council membership, a state employee or provider of mental health services is considered any individual who is a full-time, permanent employee of the aforementioned organizations.

Section 6 - Designees: State employees and members of advocacy organizations who are designated as members by virtue of their office or advocacy organization representation may appoint, in writing or by email, a designated alternate to attend meetings in their stead, and such alternate shall have full Council member privileges.

Section 7 - Appointment of Members: The Council shall recommend, to the Commissioner of KDMHDDAS, persons to fill Council vacancies, once voted upon by the Council.

Section 8 - Attendance: Minutes of Council meetings shall reflect the names of those members in attendance, absent and those serving as representatives or alternates.

Section 9 - Absences: Members who miss three consecutive meetings without a substantial reason submitted and approved by the Chair shall be recommended for removal from membership unless the Council acknowledges special circumstances and acts to continue the membership.

Section 10 - Conflict of Interest: Members shall abstain from voting upon such matters in which they have a direct financial interest.

Section 11 - Removal: The Chair or any member of the Council may be removed with just cause with a two-thirds vote of the membership of the Council, at any time, at a properly called meeting of the Council.

Section 12 - Reimbursement of Expenses: Consumer and family Council members shall be reimbursed for necessary expenses incurred with the performance of duties related to approved Council business consistent with the policies of the Cabinet for Health and Family Services. The members who are representing state agencies, providers, and consumer or family member organizations will not be reimbursed with Council funds but may be reimbursed by the organization which they are representing. This includes stipends, travel, lodging and per diem expenses.

ARTICLE IV: OFFICERS

Section 1 - Officers and Duties: The officers shall include a Chair, Vice Chair, and a Secretary.

- A. The **Chair** shall be the principal officer of the Council. The Chair shall preside over all meetings of the Council, call special meetings as needed, appoint committees, and generally supervise and direct all actions of the Council with assistance from staff liaison(s) from KDMHDDAS.
- B. The **Vice Chair** shall assist the Chair in all duties assigned to that office and preside over the meeting in the Chair's absence.
- C. The **Secretary** shall oversee recording and distribution of the minutes and other written announcements of all meetings with support from KDMHDDAS staff.

Section 2 - Terms: Officers shall serve a two-year term and be limited to two consecutive terms in the same office (i.e., serve no more than four consecutive years as Chair, Vice Chair or Secretary).

Section 3 - Qualifications of Officers: Nominations for officer positions shall be limited to individuals who have served on the Council for at least one year.

Section 4 - Nomination and Approval Process for Officers: Nominations for Officers of the Council shall be made at a duly called meeting of the Council and shall be from:

- A. The Nominating Committee; and
- B. The attending Council members (including those joining by telephone).

Section 5 - Nominating Committee: The Nominating Committee shall recommend a slate of candidates, one for each office, to the Council for approval. Upon approval, the Council shall then forward its recommendation to the Commissioner of KDMHDDAS.

Section 6 - Appointment of Officers: Officers of the Council shall be appointed by the Commissioner of KDMHDDAS. In the event that the Commissioner does not make the recommended appointment, the nomination process shall be repeated to create new recommendations.

Section 7 - Vacancies: If an Officer is unable to complete their term in an appointed office for any reason, the nomination process shall be repeated to create new recommendation(s).

ARTICLE V: MEETINGS

Section 1 - Quorum: One-third of the membership of the Council present, consisting of one-half plus one of the assembled members being consumer or family member representatives shall constitute a quorum. Agency and organizational representatives who may be consumers and/or family members shall not be considered consumer and family member representatives.

Section 2 - Regular Meetings: The Council shall meet a minimum of four times per calendar year. Members shall be notified in writing of the date, time, and place of the meeting at least 10 days in advance.

Section 3 - Special Meetings: The Chair may call special meetings of the Council as is necessary to fulfill the purpose and mission of the Council.

Section 4 - Public Participation: Members of the public are entitled to attend meetings, but shall not have the right to participate under Kentucky's Open Meetings Act. They may propose new business for the next meeting; however, the Council encourages all new business or comments to be submitted in writing for consideration by the Executive Committee.

ARTICLE VI: COMMITTEES

Section 1 - Standing and Ad Hoc Committees: The Council shall have such standing and ad hoc committees as the Council shall deem necessary for the proper conduct of its business. Such committees shall be appointed by the Chair and shall report directly to the Council, unless otherwise requested by the Council.

Section 2 - Executive Committee: The Council shall have an Executive Committee to include the Chair, the Vice Chair, and the Secretary, the Manager of the Adult Services Branch (KDMHDDAS) or designee, the Manager of the Children, Youth and Families Services Branch (KDMHDDAS) or designee, and the Commissioner of KDMHDDAS or designee. The Executive Committee shall be responsible for the formulation of the meeting agenda for the full Council and for conduct of such Council business as may arise and require attention at times other than during regular meetings of the full Council.

Section 3 - Nominating Committee: The Nominating Committee shall be comprised of Council members who are appointed to the Council because they are consumers, family members of an adult with SMI, or parent of a child with SED. This shall not include individuals who may be a consumer or family member but who are appointed to the Council by virtue of their being a representative of an agency or organization.

ARTICLE VII: COMPLAINTS AND RESOLUTION

Section 1 - Complaints by Council Members or Meeting Guests: Any formal complaint from a Council member or meeting guest shall be submitted in writing to the Chair stating the specific issues, documentation to support the complaint, and a potential resolution. The Chair shall present the complaint to the Executive Committee for resolution. If the complaint lies with the Chair, the complaint shall be handled by another Executive Committee member.

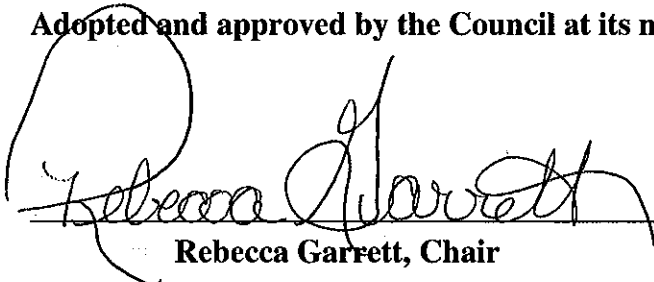
ARTICLE VIII: RULES OF ORDER

Section 1 - Rules of Order: In all procedural matters not governed by these bylaws, the Council shall be bound by the policy and procedures of the KDMHDDAS or by the provisions of Robert's Rules of Order (latest edition). However, the Council may, by the vote of two-thirds of a quorum of the Council present at a meeting of the Council, suspend any provision of these bylaws or of Robert's Rules at any time.

Section 2 - Open Meetings and Open Records: All meetings of the Council shall be open to the public and adhere to the provisions for open meetings as set forth in KRS 61.870 to KRS 61.884. The Council shall refer to the most recent edition of "*Protecting Your Right to Know: The Kentucky Open Records and Open Meetings Acts*" published by the Office of the Attorney General, should further procedural clarification be needed.

Section 3 - Amendments to the Bylaws: The Council Bylaws may be amended by a majority vote of a quorum at any meeting of the full Council, provided that the proposed amendment shall have been submitted in writing to the entire membership at least ten days prior to such meeting.

Adopted and approved by the Council at its meeting on November 13, 2008.


Rebecca Garrett, Chair

1-15-09
Date